

<p>1 of product were to go in that aisle, but 2 those pallets were not exactly adjacent 3 to the shelf where they go on.</p> <p>4 Q. Okay.</p> <p>5 A. They would have to be moved 6 around with the pallet jack, but they 7 were in the same aisle where it needed to 8 go.</p> <p>9 Q. Any other problems that you 10 had with the Lowe's Dover store when you 11 worked for Spectrum?</p> <p>12 A. No, sir, not at this time.</p> <p>13 I can't think of anything else.</p> <p>14 Q. Was there an incident where 15 you remained in the store after it had 16 closed when you worked for Spectrum?</p> <p>17 A. Yes, sir.</p> <p>18 Q. What happened then?</p> <p>19 A. I don't remember the -- I 20 don't remember the full details, but one 21 thing I did not want to do was leave, I 22 guess you could say, a mess.</p> <p>23 You know, I had -- I had a 24 shopping cart full of stuff that I just</p>	<p>150</p> <p>1 timely matter. I'm not going to say it 2 was fifteen or twenty minutes or 3 whatever, but it was a short period of 4 time that I did get it done and then I 5 was escorted out.</p> <p>6 Q. What do you mean "you were 7 escorted out"?</p> <p>8 A. I'm sorry. I -- escorted 9 out with the security. They have a -- I 10 guess like an ADT key pad basically just 11 making sure that -- because, you know, 12 they have security making sure that 13 nobody steals anything, so they basically 14 check everything, make sure nothing has 15 been taken and -- and to open the door 16 and immediately lock it and then have the 17 security alarm on for the night stocking 18 girl.</p> <p>19 Q. And who escorted you out?</p> <p>20 A. Linda Myers.</p> <p>21 Q. Okay. Did you set off the 22 alarm?</p> <p>23 A. No, sir.</p> <p>24 Q. Did you ever -- were you</p>	<p>152</p>
<p>1 didn't want to throw in the overhead. 2 They closed at 10:00 and I know I would 3 have gotten it done in fifteen minutes, 4 and I didn't feel fifteen minutes was 5 going to be detrimental as far as their 6 store's operation.</p> <p>7 I did ask a manager at the 8 time -- actually, I asked Linda, to be 9 honest with you, I asked Linda Myers. 10 She happened to be the manager on duty. 11 And she was upset -- I mean, she got 12 upset with the fact that I didn't get 13 done before 10:00, but I explained the 14 situation, and I said, Linda, I don't 15 want to leave the cart behind. I'm 16 trying to have a good name for myself. 17 It will only take ten or fifteen minutes, 18 but I want to get this on the shelf.</p> <p>19 And she said -- I'm not 20 going to say she was happy. She just 21 said basic -- basically she gave me the 22 approval to be there after 10:00. She 23 said hurry up with it, and I said thanks.</p> <p>24 But I did get done in a</p>	<p>151</p> <p>153</p> <p>1 ever in the store where you set off the 2 alarm in Dover?</p> <p>3 A. As an employee or vendor?</p> <p>4 Q. Either one.</p> <p>5 A. I don't think so.</p> <p>6 Q. Okay. Now, why was it that 7 you were not able to get that product put 8 back or get the area cleaned up before 9 10:00?</p> <p>10 A. Customers.</p> <p>11 Q. You were always servicing 12 customers?</p> <p>13 A. Not always, but if a -- if a 14 customer did ask me a question, it's hard 15 for me to blow them off. I would not -- 16 I wouldn't initiate going to the 17 customer, but if the customer did come to 18 me, I would answer any questions that 19 they had.</p> <p>20 Q. And that kept you from 21 getting your work done that night?</p> <p>22 A. On that particular night, it 23 did.</p> <p>24 Q. Did you spend any time</p>	<p>153</p>

<p>1 talking to the Lowe's employees while you 2 were there? 3 A. Yes, sir. 4 Q. How much time did you spend 5 talking to the Lowe's employees while you 6 were there? 7 A. It would be brief, probably 8 a couple of minutes, just asking them if 9 they needed anything done as far as 10 product placement. 11 Q. Anything else you talked to 12 the Lowe's employees about when you were 13 there? 14 A. I mean, of course we all 15 talk. There would be a couple of 16 times -- uhm, we all take breaks and go 17 to the breakroom, and then in the 18 breakroom we would just talk about, you 19 know, just various things going on in the 20 news. 21 Q. Okay. Why did you leave 22 Spectrum? 23 A. Laid off. 24 Q. When was that?</p>	<p>154 1 A. No, sir. 2 Q. Okay. What did you do after 3 you were laid off from Spectrum? 4 A. I went to Ideal 5 Merchandising. 6 Q. How soon after you left 7 Spectrum did you go to Ideal? 8 A. One month. 9 Q. Do you remember when that 10 was? 11 A. I don't remember the date, 12 but it was in October of 2003. 13 Q. Okay. How did you find out 14 about a job at Ideal? 15 A. That's an interesting 16 question. Uhm, actually, you would think 17 that I would have found out, uhm, through 18 word of mouth, but, uhm, actually, it was 19 advertised on NARMS dot com. 20 Q. NARMS? 21 A. NARMS. 22 Q. NARMS? 23 A. NARMS, it's a search engine 24 for vendor management. Actually, all</p>
<p>1 A. It was, uhm -- I believe it 2 was like the end of October of 2003. 3 No. Was it? September. 4 September of 2003. 5 MR. LEAHY: We can go off 6 the record. 7 - - - 8 (Whereupon, there was a 9 discussion held off the record at 10 this time.) 11 - - - 12 (Whereupon, there was a 13 luncheon recess held at this time, 14 12:37 to 1:31 p.m.) 15 - - - 16 BY MR. LEAHY: 17 Q. Mr. Hanson, when we left 18 off, we were talking about your 19 employment with Spectrum, and I think you 20 said that you left there because you were 21 laid off? 22 A. Yes, sir. 23 Q. Did somebody replace you 24 then covering the Dover store for Lowe's?</p>	<p>155 157 1 they do is place workers for vending 2 jobs, whether it be vending at a retail 3 store, wholesale store, and they had an 4 opening, and I put posted my resume on 5 NARMS. 6 Q. Is it N-a-r-m-s? 7 A. N-a-r-m-s. 8 Q. Then what did you do to 9 apply, you posted it on the Internet? 10 A. Yes, sir. 11 Q. Then did somebody contact 12 you from Ideal? 13 A. Jeremy Leaman. 14 Q. What did he say to you? Did 15 he contact you by phone? 16 A. Yes, sir. 17 Q. What did he tell you? 18 A. He said that they had an 19 opening in the Dover and Middletown 20 position, and if I was interested, to 21 meet him in Middletown to go over what 22 the job would entail. 23 Q. Did you know before then 24 that the job would entail being in a</p>

<p>1      Lowe's store?</p> <p>2      A. Yes, sir.</p> <p>3      Q. How did you know that?</p> <p>4      A. He said that.</p> <p>5      Q. Okay. When he contacted</p> <p>6      you, he told you that it would involve</p> <p>7      vending in a Lowe's store?</p> <p>8      A. Yes, sir.</p> <p>9      Q. And he said it would be the</p> <p>10     Dover and Middletown stores?</p> <p>11     A. Yes, sir.</p> <p>12     Q. Okay. And he said meet me</p> <p>13     at Middletown?</p> <p>14     A. Yes.</p> <p>15     Q. Did you meet him there?</p> <p>16     A. Yes.</p> <p>17     Q. What happened there?</p> <p>18     A. I met him in Middletown at</p> <p>19     -- and he just basically walked me</p> <p>20     through what I would do.</p> <p>21     Ideal Merchandising</p> <p>22     consisted of two departments, a plumbing</p> <p>23     and an electrical department, and he was</p> <p>24     very informative. He walked me over each</p>	<p>158</p> <p>1      Ideal?</p> <p>2      A. Yes, sir. On a footnote, we</p> <p>3      would have Ideal Merchandising -- like</p> <p>4      when I did work, whether I would be --</p> <p>5      like one day I would do plumbing, one day</p> <p>6      electrical, I would have that department</p> <p>7      manager sign off, not necessarily</p> <p>8      reporting to him or her, per se, but they</p> <p>9      would sign off on my PDA or paperwork.</p> <p>10     Q. I'm sorry, what was the</p> <p>11     first term you used?</p> <p>12     A. PDA.</p> <p>13     Q. What does that stand for?</p> <p>14     A. That's a -- a -- wow, that's</p> <p>15     a --</p> <p>16     MS. CLEMONS: Personal</p> <p>17     digital assistant.</p> <p>18     THE WITNESS: Thank you. I</p> <p>19     couldn't even think. Thank you.</p> <p>20     That's what it is.</p> <p>21     BY MR. LEAHY:</p> <p>22     Q. Personal digital assistant?</p> <p>23     A. Yes, sir.</p> <p>24     Q. So if you worked in the</p>
<p>1      aisle on what I would exactly be doing</p> <p>2      with Ideal Merchandising. He did</p> <p>3      plumbing and electrical.</p> <p>4      And I was surprised, he</p> <p>5      expedited everything that day. He said</p> <p>6      if I was interested that, uhm, I could</p> <p>7      start, I think he said, like next week or</p> <p>8      something like that. I might have</p> <p>9      started the next week, but he pretty much</p> <p>10     said I could start at the time that he</p> <p>11     had offered and so I took that offer.</p> <p>12     Q. So he offered you the job on</p> <p>13     that same day?</p> <p>14     A. Yes, sir.</p> <p>15     Q. And you accepted it that</p> <p>16     same day?</p> <p>17     A. Yes, sir.</p> <p>18     Q. What was the title of your</p> <p>19     position there?</p> <p>20     A. Merchandiser.</p> <p>21     Q. Who did you report to?</p> <p>22     A. Jeremy Leaman.</p> <p>23     Q. Did you report to him for</p> <p>24     the entire time that you worked for</p>	<p>159</p> <p>161</p> <p>1      plumbing department, the plumbing</p> <p>2      department manager would sign off on your</p> <p>3      digital assistant to indicate that you</p> <p>4      had worked there for the day?</p> <p>5      A. Yes, sir.</p> <p>6      Q. And the same with the</p> <p>7      electrical?</p> <p>8      A. Yes, sir.</p> <p>9      Q. Okay. And by plumbing</p> <p>10     department manager and electrical</p> <p>11     department manager, you mean the Lowe's</p> <p>12     employee?</p> <p>13     A. Yes, sir.</p> <p>14     Q. Okay.</p> <p>15     A. But, again, on the footnote,</p> <p>16     they did not give me any directives on</p> <p>17     what I had to do because I strictly</p> <p>18     reported with Jeremy Leaman. He gave</p> <p>19     me -- on the PDA there would be</p> <p>20     activities on what I would have to do and</p> <p>21     on the paperwork there would be</p> <p>22     activities on what I would have to do, so</p> <p>23     I had work assigned to him, therefore, I</p> <p>24     reported to him, and he would expect a</p>

1 call on a daily basis, like wanting to  
2 know what was going on and stuff.

3 Q. Okay. So what were your  
4 responsibilities as merchandiser?

5 A. I loved it, actually, even  
6 though it was -- it wasn't the glorified  
7 role I had before as market sales  
8 manager, I loved what I did because I did  
9 what the Lowe's employees wouldn't do or  
10 too often. I would be responsible for  
11 marketing, which is basically -- I had  
12 everything.

13 Any type of display, I was  
14 responsible to make sure the display was  
15 clean, was colorful, was, you know --  
16 just basically sold the merchandise. I  
17 was also responsible for the beams to be  
18 painted the Lowe's color, which is like a  
19 -- well, the beam color is a certain kind  
20 of gray. There's different gray  
21 schematics, but it was the Lowe's color  
22 gray, so I was responsible to make sure  
23 that the beams were flush gray.

24 Q. What do you mean by "beams"?

1 A. Beams are the beams that  
2 hold the product -- I shouldn't say that,  
3 actually, the overlay, which is like the  
4 wood that goes -- the wood that's  
5 underneath the product. These beams hold  
6 the -- they are like part of the shelf  
7 unit. These beams hold the wooden slab  
8 that holds the product, so they're  
9 support units.

10 Q. Okay.

11 A. So all I did was basically  
12 make a lot of bench stickers, small  
13 stickers, beam stickers, a little bit  
14 bigger stickers where the price is. As  
15 part of my job, it was to make sure the  
16 prices were accurate, make sure the  
17 stickers were flush and they were not  
18 torn off or scratched, that everything  
19 was where it was supposed to be, product  
20 was supposed to be where that item number  
21 was.

22 And, uhm, to go along with  
23 that, the whole schematics of that bay  
24 was my overseeing, making sure, like I

162 164  
1 said, the display was perfect, making  
2 sure the brochures was fully stocked with  
3 brochures, the beam was a Lowe's color  
4 gray, nice color, the stickers were brand  
5 new. I also had to do the stocking, too,  
6 to make sure everything was brought down  
7 in order.

8 I liked doing it, to be  
9 honest with you.

10 Q. Were there specific products  
11 that were responsible for working for  
12 Ideal?

13 A. Yeah, I oversee like  
14 electrical and GE and Buss -- like GE,  
15 the brand, Buss, B-u-s-s, the brand,  
16 dealing with the fuses and the electrical  
17 plumbing, American Valve, uhm, and all  
18 the PVC pipes, pretty much everything --  
19 all the small components pretty much in  
20 plumbing. Quest, the copper, black iron.  
21 I mean, I did everything. I did a lot of  
22 the smaller units in plumbing and  
23 electrical.

24 Q. Okay. And which stores did

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1 you work in?

2 A. Middletown and Dover.

3 Q. Just those two?

4 A. Yes, sir.

5 Q. How often would you be at  
6 each store?

7 A. The way my -- my district  
8 manager, Jeremy Leaman, had it set up,  
9 two days in Middletown, two days in  
10 Dover.

11 Q. Okay. And then what would  
12 you do the next day, just continue to  
13 rotate?

14 A. Actually, it was kind of  
15 weird. Monday and Tuesday would be  
16 Middletown, Wednesday I would have off,  
17 Thursday and Friday I would have Dover.

18 Q. Okay.

19 A. Weekends off.

20 Q. Okay. So you worked four  
21 days a week?

22 A. Yes, sir.

23 Q. How many hours a day did you  
24 work?

<p>1 A. Ten hours a day.      2 Q. And how much were you paid?      3 A. \$12 an hour.      4 Q. And when you went to each      5 store, did you have it like one day you      6 would do plumbing, one day you would do      7 electrical?      8 A. Yes, sir.      9 Q. Which day would you do      10 plumbing and which electrical?      11 A. They let -- Jeremy Leaman      12 was great about that. He let me --      13 wouldn't be assigned, hey, plumbing is      14 Monday, electrical is Tuesday. It's what      15 needed the most work. So Monday I      16 would -- I still had to give equal      17 treatment, but I could be flexible with      18 what day I did plumbing or electrical.      19 Q. Okay. Okay. Then -- and I      20 think you said that you had to check in      21 with Jeremy Leaman?      22 A. Yes, sir.      23 Q. How often did you check in      24 with him?</p>	<p>166      1 Q. Did you ever have to meet      2 with Mr. Leaman in person?      3 A. That's the unusual part.      4 Uhm, through my 90-day tenure with Ideal,      5 I have only met him like three times,      6 maybe four, but it -- basically like once      7 a month.      8 Q. Now, give me an idea of how      9 things would work. You would go in, say,      10 to the Dover store, and you would look to      11 plumbing and decide you had to work for      12 plumbing for the day, for example?      13 A. Yes, sir.      14 Q. What if you needed products,      15 how would you handle that?      16 A. Oh, I would -- if I needed      17 products, there are two ways to look at      18 it. If I had the product, I would get      19 the product down myself with the ladder.      20 If I know that the store -- if that      21 product wasn't there, then I will go to      22 the department manager and ask because I      23 couldn't order it, so I would give the      24 manager our cycle count sheet and they</p>
<p>167      1 A. Daily.      2 Q. How would you check in?      3 A. Uhm, he would either call me      4 or I would call him just to let him know      5 what's going on. We had direct lines of      6 communication through PDA and fax. I      7 would have to fax him paperwork every      8 night, but he expected communications as      9 far as, you know, knowing what I did, who      10 I spoke with and everything like that.      11 Q. What would you -- what kinds      12 of things would you tell him?      13 A. I would just tell him, you      14 know, good things and bad things. I      15 would tell him a lot of stuff needs to be      16 ordered and, you know, I don't know if I      17 could spend so much time in electrical      18 because plumbing needs a lot of PVC they      19 are missing in inventory, and even though      20 we looked for them, can't find them, have      21 to order them, so I'd just let him know      22 what's going on as far as that goes, as      23 far as, you know, the consistency of what      24 was going on.</p>	<p>169      1 would -- the sheet on what he needed to      2 order.      3 Q. The cycle count sheet?      4 A. Yes, sir.      5 Q. And then the manager would      6 order the product?      7 A. Yes, sir.      8 Q. Okay. When you went into      9 the Lowe's store, would you have to check      10 in with anybody at the store and let them      11 know you were there?      12 A. No, sir.      13 Q. At what point would you have      14 the department manager indicate on your      15 PDA that you had worked for them for the      16 day or worked in that department for the      17 day?      18 A. Yes, sir. The way it worked      19 is that, uhm, we have a -- Ideal      20 Merchandising has bar codes on -- in the      21 department where they have their desks      22 because the electrical plum -- well, they      23 have their own desk and there would be a      24 specific Ideal Merchandising bar code on</p>

1 the side of the monitor usually where we  
 2 used that PDA and we'd connect a scanning  
 3 device. We scan in. That's our way of  
 4 checking in.

5 Q. Okay.

6 A. We scan out. That's our way  
 7 of checking out, but it's defaulted, and  
 8 it won't let us check out unless we have  
 9 a signature on the PDA.

10 Q. Okay. So you would -- when  
 11 you would check in, you would scan in --

12 A. Yes, sir.

13 Q. -- to indicate that you were  
 14 there?

15 And did you check in with  
 16 anybody at Lowe's?

17 A. I mean, Ideal  
 18 Merchandising's procurement is checking  
 19 in by signing in.

20 Q. And that's the scanning in  
 21 that you have just described for me?

22 A. Yes.

23 Q. Okay.

24 A. There's no procurement. If

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1 than that, we are not micromanaged, we  
 2 get to work by ourselves and basically do  
 3 the job that we were assigned to do.

4 Q. And it would take you ten  
 5 hours in one shift to do that job in a  
 6 store in one department?

7 A. Yes, sir. I was -- I mean,  
 8 it's -- I mean, I enjoyed it, but it was  
 9 ten long hours because all our components  
 10 were small, and when you're dealing with  
 11 -- it's like a needle in a haystack. I  
 12 mean, you try your best to find something  
 13 that's not there, but the computer shows  
 14 that it's there, but you want to do it  
 15 anyway before you just have the  
 16 department manager cycle it out because  
 17 if they cycle it out, they are losing  
 18 money, because it says we have a hundred  
 19 of the small half-inch PVC, and if it's a  
 20 hundred and we can't find it, they cycled  
 21 that out, which means they lose money for  
 22 that and you have to order more and spend  
 23 more money.

24 Q. What do you mean "they cycle

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1 you ask Jeremy, it is not like I have to  
 2 report to somebody. I want to report to  
 3 Jeremy himself. If I saw a department  
 4 manager, I would acknowledge the  
 5 department manager and say hi, this is my  
 6 activities for the day, you know, today,  
 7 and, uhm, you know, I might check in with  
 8 you later to order something. I will  
 9 keep it short and brief.

10 So if I did see the  
 11 department manager, I would acknowledge  
 12 him or her, tell them that I am there,  
 13 but for the most part, I was working on  
 14 my own, and to work on my own and do the  
 15 tasks that I was assigned to, and then  
 16 when I am done, to get with the  
 17 department manager to order product, or  
 18 if I had damaged product, go to the RTM  
 19 department and have that returned and  
 20 credited.

21 And that's the only --  
 22 really, that's the only communication  
 23 that I would have with the Lowe's  
 24 employee with Ideal Merchandising. Other

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1 it out"?

2 A. It means they clear it out  
 3 the system, because they will -- Lowe's  
 4 automatically has a Genesis system where  
 5 they automatically replenish and reorder  
 6 their goods by -- if it gets down to a  
 7 certain amount, it automatically orders,  
 8 but if it stays in the system, like the  
 9 half-inch PVC, if it is still showing a  
 10 hundred but it's never on the shelf, then  
 11 it's never going to be ordered because  
 12 it's still showing a hundred.

13 So my job is to make sure,  
 14 hey, I looked for it everywhere, I can't  
 15 find it, so this needs to be cycled out.  
 16 So they will flush it out, it won't show  
 17 a hundred, it will show it to zero, and  
 18 they will probably place an order for a  
 19 hundred and then they place it in the box  
 20 and put it on the shelf.

21 Q. And, again, you wouldn't  
 22 order the products yourself?

23 A. I couldn't. I would have to  
 24 pass it on to the department manager.

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<p>1 Q. Did you work for any other 2 place other than Lowe's stores? 3 A. No, sir. 4 Q. Other than Ideal? 5 A. No, sir. 6 Q. It was only these two Lowe's 7 stores? 8 A. Yes, sir. 9 Q. Did you have to wear a 10 uniform? 11 A. Yes, sir. 12 Q. What kind of a uniform? 13 A. Just a Lowe's vendor vest. 14 Q. Is that similar to the vest 15 you wore when you worked for Spectrum? 16 A. Yes. 17 Q. And is it different from 18 what a Lowe's employee wears? 19 A. Yes. 20 Q. How is it different? 21 A. The color. Lowe's employees 22 have a red-colored vest; vendors have a 23 gray-colored vest with blue trim. 24 Q. How did you get the vest</p>	<p>174 1 document before? 2 A. I may have seen something 3 comparable, but I can't really say I have 4 seen this exact same document. 5 Q. Why don't we go through it a 6 little bit, and you just tell me if this 7 sounds like what you did. Okay? 8 A. Yes, sir. 9 Q. In the top part it says job 10 summary, works with a team or as an 11 individual to maintain the product in the 12 store location to provide basic service 13 to the rough plumbing and electrical 14 departments in all Lowe's stores at a 15 rate of 20 hours per week in each 16 assigned store. 17 Is that what you did? 18 A. Yes, sir. 19 Q. Okay. And it says, as a 20 merchandiser working in the store during 21 operating hours, you will be projecting 22 the image of the product, the company you 23 are working for, and the store. 24 Did you understand that that</p>
<p>175 1 when you worked for Spectrum? 2 A. Jeremy Leaman gave me -- he 3 had a whole trunk full. He gave me a 4 couple of them. 5 Q. When you worked for 6 Spectrum? 7 A. Oh, I'm sorry. 8 For Spectrum, I was given 9 one -- I was given the vendor vest by a 10 store manager, assistant store manager in 11 Wilmington and Ideal Merchandising, as 12 Jeremy Leaman gave me a couple. 13 Q. Okay. 14 - - - 15 (Whereupon, Exhibit 2 was 16 marked for identification.) 17 - - - 18 BY MR. LEAHY: 19 Q. Mr. Hanson, I'm now showing 20 you a document that we have marked as 21 Exhibit 2, which is the job description 22 for the position of merchandiser at 23 Ideal. 24 Have you ever seen this</p>	<p>177 1 was part of your job? 2 A. Yes, sir. 3 Q. Okay. Do you see there it 4 says, essential duties and 5 responsibilities, and could you just look 6 down through those and tell me if those 7 were all things that you had to do in 8 your employment for Ideal? 9 A. Yes, sir, that's all 10 correct, sir. 11 Q. So you did all of those 12 things? 13 A. Yes, sir. 14 Q. Did you do anything that 15 isn't listed there? 16 A. Yes. 17 Q. What did you do that isn't 18 listed there? 19 A. Uhm, I don't see it in here, 20 but damaged goods, I returned it to the 21 RTM clerk, which means -- I don't -- 22 unless it's in there in different 23 writing. I don't see it, any damaged 24 goods I would return to the RTM clerk and</p>

<p>1 issue them a credit and they wouldn't be  2 held at fault or charged with the damaged  3 good, and they would get money back into  4 their computer or money back into their  5 system.</p> <p>6 Q. Okay. Anything else that  7 you did that isn't listed there?</p> <p>8 A. Let me see. I can't think  9 of anything else.</p> <p>10 Q. Okay. Look down at the  11 bottom, and do you see job  12 specifications?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Do you see where it says  15 skills?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Do you see the last sentence  18 there? It says, a merchandiser must be  19 able to interact with store personnel and  20 customers in a professional and courteous  21 manner.</p> <p>22 A. Yes, sir.</p> <p>23 Q. Did you understand that that  24 was part of your job for Ideal?</p>	<p>178</p> <p>1 only would I sell them that laminated  2 flooring, but I took it to the register,  3 I rang them up, I was the cashier who  4 rang them up, so I was the salesperson,  5 cashier and the loader. So I also took  6 it outside and I loaded it into their  7 car, so I did like three in one, like  8 multitasking.</p> <p>9 And now being a  10 merchandiser, when I said before it's  11 more specialized, yes, you are to help  12 out the customer, but the way they train  13 us is, you know, if the customer asked  14 you a question, answer that question and  15 go -- and try to help -- help them  16 with -- find whatever they needed to  17 find, or if they have a question, just  18 answer the question.</p> <p>19 If you can't answer it, get  20 someone that can, but the main focus is  21 pretty much, more or less, product  22 placement, making sure inventory is where  23 it's supposed to be, it's accurate, the  24 -- the pricing, they say POP, which is</p>
<p>1 A. Yes, sir.</p> <p>2 Q. Okay. Now, just so I'm  3 clear on it, how is what you did for  4 Ideal different from what you did as a  5 Lowe's employee?</p> <p>6 A. It was more specialized. As  7 a Lowe's employee, uhm, the focus is more  8 worrying about the customer, customer  9 satisfaction. Yes, you're dealing with  10 product, uhm, placement and everything  11 like that, but it's really about a  12 customer, assisting their needs,  13 answering all their questions, going  14 above and beyond.</p> <p>15 In some cases at Lowe's --  16 hardwood flooring, for example, back to  17 flooring, because Lowe's is -- always has  18 -- especially this store in Dover has a  19 high turnover and is understaffed, so  20 there are times when on a slow weekday,  21 it would have to be slow, not only would  22 I sell this person like for -- we had  23 Armstrong laminated flooring. I would  24 have customers buy by the pallet. Not</p>	<p>179</p> <p>181</p> <p>1 the displays and the literature,  2 everything where it's supposed to be.  3 Because when you have rough  4 plumbing or -- and electrical, I mean,  5 that's two departments that consists of a  6 dozen aisles, and the aisles in Lowe's  7 are long, so that's why you could do 40  8 hours in two departments, or as you said  9 before, ten hours and in one department.</p> <p>10 Yes, you can do it, but it  11 makes for a long day because you spend a  12 lot more time counting. Yes, yes, you  13 deal with customers, you interact with  14 Lowe's employees, but a majority of the  15 time is it's specifically just doing the  16 inventory with Ideal Merchandising.</p> <p>17 Q. Okay. Now, beyond what's  18 listed here on your job description, were  19 there other rules that you had to follow  20 when you worked in a Lowe's store?</p> <p>21 A. Uhm, such as?</p> <p>22 Q. Well, did you understand  23 that you had to -- did anybody tell you  24 that you had to abide by Lowe's policies</p>

<p>182</p> <p>1 while you were in the store?</p> <p>2 A. No, sir.</p> <p>3 Q. Okay. Did you understand</p> <p>4 that, for example, you were not allowed</p> <p>5 to sexually harass people in the store?</p> <p>6 A. Yes. Yes, sir.</p> <p>7 Q. How do you understand that?</p> <p>8 A. I mean, it's probably the</p> <p>9 wrong thing to say, but it's just common</p> <p>10 sense, probably not the politically</p> <p>11 correct thing to say, but -- plus, I had</p> <p>12 worked at Lowe's, so there's a lot of</p> <p>13 things that I knew about Lowe's coming</p> <p>14 into this job, which could have been the</p> <p>15 reason why Jeremy Leaman didn't emphasize</p> <p>16 about the Lowe's structure, because he</p> <p>17 knew I had a Lowe's background.</p> <p>18 Q. Okay. So you understood</p> <p>19 that at least there were some things that</p> <p>20 you could not do when you worked in the</p> <p>21 Lowe's store?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Can you think of anything</p> <p>24 offhand? I mentioned sexual harassment</p>	<p>184</p> <p>1 Q. Would you take a break for</p> <p>2 lunch?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Would you get paid for that?</p> <p>5 A. No, sir.</p> <p>6 Q. Okay. How did you spend</p> <p>7 your time during that typical shift</p> <p>8 working for Ideal?</p> <p>9 A. Just like any day?</p> <p>10 Q. Yes.</p> <p>11 A. I will just throw out Dover</p> <p>12 as an example. On Friday -- Thursday and</p> <p>13 Friday would be my Lowe's and Dover days</p> <p>14 and Dover was a lot worse than</p> <p>15 Middletown -- well, Middletown -- well,</p> <p>16 main reason is Middletown is a new store,</p> <p>17 Dover is not. Well, it's new, but five</p> <p>18 years ago old. Middletown is a couple.</p> <p>19 But, I mean, both plumbing</p> <p>20 and electrical, they are just terrible.</p> <p>21 I mean --</p> <p>22 Q. What do you mean by</p> <p>23 "terrible"?</p> <p>24 A. Just no organization, boxes</p>
<p>183</p> <p>1 and that was off the top of my head.</p> <p>2 Anything else offhand that you can think</p> <p>3 of?</p> <p>4 A. Obviously, the no-brainer is</p> <p>5 stealing, fighting. I hate to say those</p> <p>6 kinds of things, and it's kind of silly,</p> <p>7 but off the top of my head, that's what</p> <p>8 stands out.</p> <p>9 Q. Those are things you knew</p> <p>10 you couldn't do in the Lowe's store?</p> <p>11 A. You couldn't do, yes, sir.</p> <p>12 Q. Okay. You said that you</p> <p>13 worked a ten-hour day --</p> <p>14 A. Yes, sir.</p> <p>15 Q. -- when you worked for</p> <p>16 Ideal?</p> <p>17 What were the hours that you</p> <p>18 worked?</p> <p>19 A. They -- Jeremy Leaman had</p> <p>20 stated that usually -- like to be at the</p> <p>21 job at least by 9:00 and you could work</p> <p>22 until 7:00, sometimes 8:00 to 5:00. He</p> <p>23 was real flexible, as long as I did a</p> <p>24 ten-hour.</p>	<p>185</p> <p>1 all over the place, overhead not</p> <p>2 consistent with what's below as far as</p> <p>3 the product, you know, in the bays. I</p> <p>4 mean, I would have like overhead that's</p> <p>5 in electrical and that's overhead for</p> <p>6 lawn and garden, so just -- and a lot of</p> <p>7 the stuff had to deal with getting a</p> <p>8 forklift. It would be great if I could</p> <p>9 work in the evening, night shift, and</p> <p>10 have a forklift driver move things</p> <p>11 around, but they wouldn't let me do that,</p> <p>12 but the whole -- that was -- that was</p> <p>13 just a tough -- I mean, it was actually</p> <p>14 worse than when I was a vendor doing the</p> <p>15 inside/outside garden at the Lowe's in</p> <p>16 Dover. This was a lot worse. So, I</p> <p>17 mean, it was a challenge and an obstacle.</p> <p>18 So my typical day at Lowe's</p> <p>19 in Dover was overhead. I worked from,</p> <p>20 you know, top to bottom just making sure</p> <p>21 overhead was where it's supposed to be,</p> <p>22 and then there would be display racks</p> <p>23 where you could open the doors and there</p> <p>24 would be product in there, so try and</p>

<p>1 make sure that's where it's supposed to  2 be, and I worked my way down to the bays,  3 and that's when I would go into inventory  4 and make sure everything is supposed to  5 be where it's supposed to be at, and if  6 not, then I would move it back in the  7 appropriate location.</p> <p>8 Q. During this time that you  9 were doing all this, would you spend time  10 talking to the Lowe's employees?</p> <p>11 A. I would spend time talking  12 to them, but it was pertaining to where I  13 could find such and such. Like, for  14 example, I would have a box -- let's say  15 rough components of fuses, I would hold  16 it in my hand and ask them this is what I  17 have, here's the SKU, nothing, and the  18 computer is showing you have X amount.</p> <p>19 Have you seen this? Do you  20 know if it's in overhead here? Do you  21 know if it is in the overhead there? It  22 would be strictly -- you know, of course  23 there will be times when you talk about  24 non-work-related stuff, but for the most</p>	<p>186</p> <p>1 Q. Did you ever talk to Lowe's  2 employees about personal things?  3 A. Yeah, we all do.  4 Q. Okay. What kinds of things?  5 A. Again, most of it would be  6 in the breakroom, so it was an  7 appropriate environment, and it just  8 would be regular stuff, like, uhm, the  9 game. I can't remember -- this is --  10 this goes back two years ago, but I know  11 we talked about the football game and  12 basketball games, so just regular stuff.</p> <p>13 Q. Did you have Lowe's  14 employees in the Dover store that you  15 were friendly with?</p> <p>16 A. There was Dover -- there was  17 people in the Lowe's store that I talked  18 to more than others.</p> <p>19 Q. Were they ones that you were  20 friendly with?</p> <p>21 A. They were ones that had a  22 rapport -- relationship with from what I  23 worked at Lowe's, like Larry Reed, the  24 department manager in paint.</p>
<p>1 part, everything I talked about was  2 work-related stuff, trying to find out  3 where -- you know, if they have seen it,  4 if they haven't seen it, you know, and  5 where does it go if there's no home for  6 it, because I didn't have a planogram for  7 every day.</p> <p>8 Q. What is a planogram?</p> <p>9 A. It's a schematic on where  10 the product is supposed to go. Product  11 is supposed to go -- they have three --  12 you have a bay here, the third shelf,  13 second and first shelf. They will have  14 SKU numbers that this goes on the first  15 shelf and this goes on the second shelf.</p> <p>16 Q. What are those numbers?</p> <p>17 A. SKU numbers.</p> <p>18 Q. What's that?</p> <p>19 A. Acronym. I'm sorry, I have  20 no idea.</p> <p>21 Q. S-K-U?</p> <p>22 A. S-K-U, and I would talk to  23 him on this and I think they could  24 provide me with that.</p>	<p>187</p> <p>189</p> <p>1 Q. Who else besides him?</p> <p>2 A. Probably Jay, but, uhm, he  3 didn't -- he -- he didn't really get to  4 stay there that long when I got there.</p> <p>5 Q. He left pretty soon after  6 you got there?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Anybody else?</p> <p>9 A. Thelma.</p> <p>10 Q. Anybody else you were  11 friendly with?</p> <p>12 A. That's about it.</p> <p>13 - - -</p> <p>14 (Whereupon, Exhibit 3 was  15 marked for identification.)</p> <p>16 - - -</p> <p>17 BY MR. LEAHY:</p> <p>18 Q. Mr. Hanson, I'm showing you  19 now what we have marked as Exhibit 3 and  20 it's a copy of your complaint in this  21 case.</p> <p>22 Have you seen this document  23 before?</p> <p>24 A. Yes, sir.</p>

<p>1       Q. Okay. I would like to go 2 through some of the things that you have 3 in here. Okay?</p> <p>4       A. Yes.</p> <p>5       Q. The first thing I would like 6 you to do is turn to the second page. 7 Look at paragraph 10.</p> <p>8       A. (Witness complies with 9 request.)</p> <p>10      Q. Paragraph 10 says, plaintiff 11 is an Asian American male whose national 12 origin is partially Korean.</p> <p>13      A. Yes, sir.</p> <p>14      Q. So that's your national 15 origin?</p> <p>16      A. Yes, sir.</p> <p>17      Q. What do you mean by 18 "partially Korean"?</p> <p>19      A. I'm half Korean.</p> <p>20      Q. Half Korean?</p> <p>21      A. On my mom's side.</p> <p>22      Q. Is your mother Korean?</p> <p>23      A. Yes, sir.</p> <p>24      Q. And your father is not?</p>	<p>190</p> <p>1       A. Right, I don't remember.</p> <p>2       Q. Okay. Take a look at 3 paragraph 12, and paragraph 12 says, at 4 all times relevant to this complaint, 5 plaintiff was qualified for his job 6 position and satisfactorily performed all 7 duties of his position.</p> <p>8       A. Yes, sir.</p> <p>9       Q. Is that correct?</p> <p>10      A. That's correct.</p> <p>11      Q. And that's while you worked 12 for Ideal?</p> <p>13      A. Yes, sir.</p> <p>14      Q. Did anybody ever tell you 15 that you had done something incorrectly 16 when you worked for Ideal?</p> <p>17      A. Coming from an Ideal 18 personnel or Lowe's? Personnel.</p> <p>19      Q. Ideal personnel first.</p> <p>20      A. When I, uhm, called 21 corporate on Yvette.</p> <p>22      Q. Okay. Tell me about that.</p> <p>23      A. Uhm, I was -- I was at the 24 computer and I was doing cycle counts</p>
<p>1       A. Correct.</p> <p>2       Q. What is your father's 3 national origin?</p> <p>4       A. Caucasian.</p> <p>5       Q. Did you ever tell anybody at 6 Lowe's that that was your national 7 origin?</p> <p>8       A. I can't -- off the top of my 9 head, I don't remember actually saying, 10 hey, I'm half Korean, but I do know if 11 people will ask me, I will tell them that 12 I am half Korean. I don't have nothing 13 to hide.</p> <p>14      Q. Do you know if anybody at 15 Lowe's ever asked you what your national 16 origin or your race was?</p> <p>17      A. Oh, if they did, I'm not 18 going to remember at this time.</p> <p>19      Q. You don't remember?</p> <p>20      A. I don't -- correct, I don't 21 remember.</p> <p>22      Q. Okay. I just wanted to be 23 clear that you were not refusing to 24 remember for me, you just don't remember?</p>	<p>191</p> <p>193</p> <p>1       because that's how I find out -- that's 2 how I find out about inventory is by 3 actually using the Lowe's computer.</p> <p>4       Then Yvette goes by and she 5 goes, you want to do any work today, boy? 6 I didn't know who it was, but I -- 7 electrical has a desk that's kind of 8 hidden. I mean, it's kind of like 9 recessed, and the light fixtures were -- 10 I mean, you wouldn't even know it's a 11 desk, but there's a -- there's the 12 divider where it is a desk.</p> <p>13      And then I looked back and 14 she was walking towards customer service 15 and she turns around and says, yeah, 16 that's right, I'm talking to you, boy.</p> <p>17      So, I mean, I knew that, I 18 mean -- I mean, I had problems with her, 19 but -- but that broke the straw on the 20 camel's back, so I called corporate on 21 her.</p> <p>22      Q. Who is corporate?</p> <p>23      A. Lowe's corporate office out 24 of Chapel Hill, North Carolina, and I</p>

1 called and I told them exactly what had  
 2 transpired, that -- that was one of --  
 3 I'm talking about Ideal Merchandising,  
 4 not Spectrum or Lowe's. That was one of  
 5 like a half a dozen, if not more,  
 6 incidents that I had with her just with  
 7 Ideal, and keeping in mind, I'm new with  
 8 Ideal going through Lowe's.

9 And I just basically called  
 10 corporate to let them know that I felt I  
 11 was in a hostile work environment. I was  
 12 not comfortable. I'm getting -- you  
 13 know, Yvette is the store manager and she  
 14 is not very professional towards me. She  
 15 has demeaning remarks towards me and I'm  
 16 just very uncomfortable and this needs to  
 17 stop, something has to stop.

18 And whatever they  
 19 documented, it did get back to her.

20 Q. Okay. Now, what I asked you  
 21 initially was, though, had anybody from  
 22 Ideal ever told you that you had done  
 23 something incorrectly --

24 A. That's correct.

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 1 Well, he said, yeah, I heard  
 2 it from Yvette. Next time you got to go  
 3 through me.  
 4 I'm like, is that really  
 5 necessary?

6 He said, yes, next time, and  
 7 he also said Yvette wants you to go and  
 8 apologize to her for that, and I said,  
 9 Jeremy, you know I can't do that. I'm  
 10 not going to make something like that up.  
 11 She called me boy twice and said it in a  
 12 demeaning way, and she is on the wrong.  
 13 You can take it like you want, but I'm  
 14 not going to go to the office and  
 15 apologize to her, and I am going to call  
 16 corporate again if it happens again.

17 Q. So even though he had said  
 18 to go through him next time, you still  
 19 said you were going to call corporate  
 20 again?

21 A. I said I'm going to have to  
 22 call corporate.

23 Q. What did he say?

24 A. He goes, well, the chain of

195  
 1 Q. -- during the time that you  
 2 worked there? Tell me how somebody told  
 3 you that you had done something  
 4 incorrectly.

5 A. Well, Jeremy me called  
 6 because he heard it from Yvette, and he  
 7 had called me to say, did you call  
 8 corporate on Yvette?

9 And I said, yes, I did. I  
 10 can't take it no more.

11 He goes, well, you shouldn't  
 12 have done that. You should have called  
 13 me first and let me handle that.

14 Q. Okay. What did you say?

15 A. I said -- actually, uhm,  
 16 actually, it was like the day before I  
 17 called him to let him know that I had  
 18 called corporate. I guess he didn't make  
 19 a big deal out of it because that day he  
 20 didn't get a call from corporate or  
 21 Yvette, it was like the next day that he  
 22 called me back.

23 And I said, well, I told you  
 24 about it.

197  
 1 command is through me. And I told -- I  
 2 said, well, what exactly are you going to  
 3 do? Are you going to call corporate?

4 He goes, no, I will take  
 5 that into my own hands, and I took that  
 6 as if he will just blow it off and not do  
 7 anything about it.

8 Q. What did you say next?

9 A. I didn't tell him that I  
 10 thought he was going to blow it away and  
 11 not do anything about it. I didn't tell  
 12 him. When he said it got to go through  
 13 him, I said if that's what got to be  
 14 done, so be it, but I don't see why I  
 15 shouldn't have to call corporate. That  
 16 was it.

17 Q. Is that how the conversation  
 18 ended?

19 A. I don't know if -- like what  
 20 I am telling you, I don't know if it's  
 21 verbatim, but it's exactly what happened.  
 22 He wanted me to go through him instead of  
 23 calling corporate, and I told him I  
 24 didn't feel as if I should have to not

<p>1 call corporate if this happens again, but  2 he made it clear that it needs to go  3 through him. And I said, well, are you  4 going to call corporate, and he says no,  5 he will handle it in-house with Ideal  6 Merchandising.</p> <p>7 But I didn't say it to him.  8 What I thought was that he was going to  9 blow it off, but he made it clear -- what  10 you said at the end of it, he made it  11 clear that it's got to go through him.</p> <p>12 Q. Did you tell him that you  13 understood that?</p> <p>14 A. I just said yes, I -- well,  15 I just said okay.</p> <p>16 Q. Okay. Any other times that  17 you were told that you had done something  18 incorrectly while you worked for Ideal?</p> <p>19 A. That was it.</p> <p>20 Q. Okay. How about by anybody  21 at Lowe's?</p> <p>22 A. That goes back to -- as a  23 vendor at Lowe's, not as --</p> <p>24 Q. As working for Ideal at</p>	<p>198</p> <p>1 don't know the last names. A gentleman  2 by the name of Eric.</p> <p>3 Q. Okay. And --</p> <p>4 A. And then the other  5 gentleman's name. I don't even know if  6 it's correct. It's either Dan or Don.</p> <p>7 Q. Okay.</p> <p>8 A. One of the two. I'm not  9 sure which one.</p> <p>10 Q. They were both in  11 electrical?</p> <p>12 A. They were both in  13 electrical.</p> <p>14 Q. How about plumbing?</p> <p>15 A. Jeff Ramirez and Steve  16 Fowler.</p> <p>17 Q. And they were both in  18 plumbing?</p> <p>19 A. Yes, sir.</p> <p>20 Q. And how did they appraise  21 you for the job you had done?</p> <p>22 A. They were benchmarking from  23 the last Ideal merchandiser, and they  24 were saying -- they were just using as</p>
<p>1 Lowe's, because we are talking about  2 paragraph 12 of your complaint and how  3 you satisfactorily performed all the  4 duties of your job position.</p> <p>5 Did anybody at Lowe's during  6 the time that you worked for Ideal tell  7 you that you were not performing  8 satisfactorily?</p> <p>9 A. No, sir.</p> <p>10 Q. Did anybody tell you that  11 you were doing things incorrectly from  12 Lowe's during that time period?</p> <p>13 A. No, sir.</p> <p>14 Q. Okay.</p> <p>15 A. As a matter of fact, I was  16 appraised(sic) for my job.</p> <p>17 Q. By whom?</p> <p>18 A. All the electrical -- Lowe's  19 associates in the electrical department  20 and all the associates in the plumbing  21 department.</p> <p>22 Q. Can you tell me who they  23 were? Start with the electrical.</p> <p>24 A. Okay. A gentleman -- I</p>	<p>199</p> <p>1 the benchmark -- that I was representing  2 -- I was more representative of the  3 electrical and plumbing department than  4 the last Ideal merchandiser who was never  5 there or never did anything, and who, I  6 guess, took breaks and stuff like that.</p> <p>7 Q. And you didn't take breaks?</p> <p>8 A. I took breaks, but this guy  9 took consistent regular breaks.</p> <p>10 Q. Take a look at paragraph 13.</p> <p>11 A. (Witness complies with  12 request.)</p> <p>13 Okay.</p> <p>14 Q. October 6th, 2003, was that  15 when you started with Ideal?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Is that your first day of  18 work for Ideal?</p> <p>19 A. That looks to be correct.</p> <p>20 Q. Did you go to the Dover  21 store on your first day of work for  22 Ideal?</p> <p>23 A. As a matter of fact, I  24 believe that's correct, because</p>

1 Middletown was just to interview, so I  
 2 believe the Dover store was the first  
 3 day. You know what, as a matter of fact,  
 4 it was the first day.

5 Q. Okay.

6 A. So I remember -- I'm sorry.

7 Q. No, go ahead, tell me how  
 8 you remember.

9 A. Because I remember how it  
 10 had transpired.

11 Q. How was that?

12 A. The -- the -- the -- Yvette  
 13 and Linda, they didn't want me to work  
 14 there. I almost didn't get the job that  
 15 day.

16 Q. Tell me how you almost  
 17 didn't get the job that day.

18 A. Linda Myers -- I will make  
 19 it short. Linda Myers, my old department  
 20 manager at Lowe's, is still working  
 21 there. Yvette is still working there.  
 22 And she had saw me with Jeremy walking  
 23 around the electrical department.

24 Q. Is this on your first day?

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1 Q. Was that the first day?  
 2 A. That was the first day.  
 3 Q. My assumption may be  
 4 incorrect, is that you met Mr. Leaman at  
 5 the store and he was taking you around?

6 A. Yes, sir.

7 Q. Okay. And at what point did  
 8 he tell you that Linda Myers had called  
 9 him?

10 A. We were doing paperwork in  
 11 the home decor department and he got a  
 12 call on his -- kind of weird, but he got  
 13 a call -- actually, not even on his cell  
 14 phone, but he got a call on the  
 15 department phone from a page. Somehow he  
 16 got a call, and it was actually a store  
 17 phone, and it was Linda Myers, because  
 18 after he was done with the call, he told  
 19 me it was Linda Myers that called.

20 Q. What did he tell you that  
 21 Linda Myers had said?

22 A. He said, for some reason --  
 23 he goes, do you know Linda Myers? I said  
 24 yes, I do. He just told me for some -- I

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1 A. First day.

2 Q. Okay.

3 A. She knows Jeremy.

4 Q. Linda Myers does?

5 A. Linda Myers knows Jeremy  
 6 Leaman at Ideal Merchandising because her  
 7 son was the last Ideal Merchandising rep.

8 Q. Okay.

9 A. He was fired, terminated,  
 10 and I guess that she felt like it was a  
 11 slap in the face that I would take the  
 12 position after her son.

13 Q. Why do you guess that she  
 14 felt it was a slap in her face?

15 A. She called Jeremy Leaman  
 16 that she didn't want me to work in the  
 17 Dover store.

18 Q. How do you know that?

19 A. Jeremy told me.

20 Q. What did Jeremy tell you  
 21 that Linda had said?

22 A. He said for some reason they  
 23 don't want you to work here, but I'm  
 24 going to work it out.

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1 don't remember what he said verbatim, but  
 2 the conversation was that she didn't want  
 3 me to work -- to work for Ideal  
 4 Merchandising in that store.

5 Q. What did you say?

6 A. I said that's not  
 7 acceptable --

8 Q. Okay.

9 A. -- because --  
 10 I'm sorry.

11 Q. No, go ahead.

12 A. Uhm, he already had a -- he  
 13 had an assistant store manager, Keith  
 14 Dominick, approve of me working in that  
 15 store already. He was in the Middletown  
 16 store and -- I already had the job, but  
 17 he wanted to go through a Lowe's manager  
 18 unit to see how I did as a previous  
 19 vendor, which I dealt with Keith, and  
 20 Keith basically gave him the nod and  
 21 said, yeah, he's good, he can work in my  
 22 store, you know, he's helping out in the  
 23 Middletown, but he actually works in the  
 24 Dover store, so he already had the nod.

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<p>1 So my impression is Jeremy  2 already had his mind made up. He already  3 went through paperwork to get me hired,  4 and to go through the whole process  5 again, I think he just wasn't happy and  6 -- and plus problems, you know, I mean,  7 it's not like it's that great of a, I'm  8 not going to say source or whatever, but  9 her son had worked for him and her son  10 had messed up everything, so it's not  11 like, you know, her -- you know, that he  12 could listen to her because her son was  13 stellar, because he wasn't, he got  14 terminated.</p> <p>15 Q. How do you know he got  16 terminated?</p> <p>17 A. Jeremy Leaman told me.</p> <p>18 Q. What did Jeremy tell you  19 about Linda Myers' sons?</p> <p>20 A. Basically because -- I was  21 trying to figure out why Linda didn't  22 want me in the store, and he was giving  23 me a little synopsis on what the  24 situation was, that her son had</p>	<p>206</p> <p>1 whatever, but this is my opinion, is  2 because she doesn't like me.</p> <p>3 Q. Did she tell you that?</p> <p>4 A. No.</p> <p>5 Q. Okay.</p> <p>6 A. But her actions, just her  7 verbal and physical gestures, indicated  8 to me that she just didn't -- had a  9 dislike for me for some reason.</p> <p>10 Q. Getting back to the  11 conversation that you had with Mr.  12 Leaman, what he told you was that Linda  13 Myers didn't want you working there?</p> <p>14 A. Yes.</p> <p>15 Q. And then he told you the  16 story about how Linda's son had been the  17 previous vendor?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Okay. Is that all he told  20 you about it?</p> <p>21 A. That's it.</p> <p>22 Q. Okay. Did Linda Myers ever  23 say anything to you about it?</p> <p>24 A. She didn't talk to me.</p>
<p>1 previously -- actually, the person before  2 me was her son working for Ideal  3 Merchandising and he got terminated and  4 Linda doesn't want you to, you know, work  5 for us here, so I guess --</p> <p>6 And that's what I was  7 telling you before, that it goes back to  8 -- I mean, I guess she just felt it was  9 disrespectful or something, you know, I'm  10 working after her son, because we didn't  11 have exactly the rapport when I worked at  12 Lowe's through her and Yvette, but  13 whatever she had told Jeremy, it still  14 was not enough to persuade him to not  15 have me work there, so I started that day  16 regardless.</p> <p>17 Q. So you think Linda was just  18 upset that her son had been terminated  19 and somebody else was now taking his  20 place?</p> <p>21 A. Not somebody else, because  22 the somebody else was me. She was upset  23 that I was the one that took his place.</p> <p>24 You can take this as an opinion or</p>	<p>207</p> <p>1 Q. Did she ever tell you that  2 she didn't want you working in her store?</p> <p>3 A. She never told that to me  4 directly.</p> <p>5 Q. Did she ever tell that to  6 you indirectly?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Yes?</p> <p>9 A. Yes, sir.</p> <p>10 Q. How did she tell it to you  11 indirectly?</p> <p>12 A. To other Lowe's associates  13 that came back to me and told me that  14 Linda didn't want you to work here.</p> <p>15 Q. Who were those Lowe's  16 associates?</p> <p>17 A. A couple of them. Larry  18 Reed, as a matter of fact, department  19 manager in paint.</p> <p>20 Q. And what did Mr. Reed tell  21 you?</p> <p>22 A. That Linda didn't even want  23 you here as a vendor. I mean, we didn't  24 have a like big conversation about it,</p>

1 but however that came up, he just  
 2 mentioned that Linda just did not want me  
 3 to work there as a vendor.  
 4 Q. Who else told you that Linda  
 5 didn't want you working there?  
 6 A. Thelma.  
 7 Q. What did Thelma tell you?  
 8 A. Pretty much the same thing  
 9 that Larry told me.  
 10 Q. All she said is that Linda  
 11 didn't want you here?  
 12 A. Yeah.  
 13 Q. The other Lowe's store that  
 14 you worked at during the time that you  
 15 worked for Ideal was Middletown?  
 16 A. Yes.  
 17 Q. Who managed that store?  
 18 A. Well, they had a couple of  
 19 store managers. The guy that -- the guy  
 20 that I dealt with was a guy named Will,  
 21 but he was not the store manager.  
 22 Q. What was he?  
 23 A. He was the, uhm, zone  
 24 manager that oversees the electrical and

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 1 Q. Okay. So Paul was there and  
 2 then he left while you were there?  
 3 A. Yes, sir.  
 4 Q. Okay. Let me ask you to  
 5 take a look at paragraph 14.  
 6 A. Yes.  
 7 Q. It says, during the period  
 8 of his employment, plaintiff was  
 9 subjected to constant harassment by  
 10 agents of defendant, Lowe's; namely,  
 11 store manager Yvette, and I take it you  
 12 mean Yvette Schreiber?  
 13 A. Yes, sir.  
 14 Q. A white American female and  
 15 assistant store manager, Linda Myer, I  
 16 think you mean Linda Myers, also a white  
 17 American female?  
 18 A. Yes, sir.  
 19 Q. Okay. What kind of  
 20 harassment were you subjected to by  
 21 Yvette Schreiber during the time that you  
 22 worked for Ideal?  
 23 A. The main case is when I was  
 24 -- I mean, this is just -- I mean, I just

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 1 plumbing.  
 2 Q. Do you remember his last  
 3 name?  
 4 A. I don't. I do remember the  
 5 -- is the store -- I think the store  
 6 manager's name -- you said store manager  
 7 so I'm trying to get to that.  
 8 Q. Yes.  
 9 A. I think his name was Paul.  
 10 Q. Paul?  
 11 A. Paul -- I will be up front  
 12 and accurate on that one, that his first  
 13 name was Paul, but I'm not sure of the  
 14 last name.  
 15 Q. Was he the store manager the  
 16 entire time that you worked for Ideal?  
 17 A. Well, they were in  
 18 transition of getting a new store  
 19 manager, kind of -- it's like I was  
 20 there, they already had Paul, and then  
 21 were en route of getting somebody else,  
 22 so I didn't know who the new person was  
 23 because I was not working for Ideal  
 24 anymore.

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 1 never expected I would go through this  
 2 with a store manager or any professional,  
 3 but supposed to be a professional, but I  
 4 was in the electrical department doing  
 5 the switch covers, I mean, it's -- the  
 6 work can be tedious. Pretty much all the  
 7 cover plates have brass, plastic, so on  
 8 and so forth. That is all I was doing  
 9 that day, not necessarily doing cycle  
 10 counts or inventory, just making  
 11 everything look good, because those boxes  
 12 are small and they get messed up and they  
 13 are in little plastic sleeves. It's one  
 14 of the hardest things to do, but I pretty  
 15 much just made sure all the plates were  
 16 in the right place and just -- basically  
 17 just trying to make it look good.  
 18 It's hard when you are  
 19 dealing with small components, but in a  
 20 nutshell -- and I -- I had two shopping  
 21 carts full of boxes, and I was  
 22 consistently working in that aisle, and I  
 23 usually stay in that aisle for a couple  
 24 of hours. And she goes by, and to put a

<p>1 damper on my day, she goes, this -- this  2 section looks like shit, excuse my  3 language. That's what she said verbatim,  4 this section looks like shit, you need to  5 do a better job, not even saying a hi,  6 not even saying what are you doing or  7 anything, and then she left.</p> <p>8 Q. How did the section look?</p> <p>9 A. Average. I will say that on  10 a footnote, because it's not like there  11 was boxes all the over the place. The  12 boxes I had were in my two shopping  13 carts, and that aisle is never a hundred  14 percent, but I assure you, it was a lot  15 better looking than the day before.</p> <p>16 Q. So she wasn't happy with the  17 way it looked?</p> <p>18 A. She wasn't happy with the  19 way it looked.</p> <p>20 Q. Okay. Did anybody witness  21 that?</p> <p>22 A. He probably won't fess(sic)  23 to it, but Keith Dominick.</p> <p>24 Q. What do you mean by "he</p>	<p>214</p> <p>1 within either the first or second month  2 working for Ideal.</p> <p>3 Q. And you started there  4 October of 2003?</p> <p>5 A. Yes.</p> <p>6 Q. So it was October or  7 November of 2003?</p> <p>8 A. Yes, sir.</p> <p>9 Q. And do you think that Yvette  10 said to you, this section looks like  11 shit, because you're a male?</p> <p>12 A. Yes, sir.</p> <p>13 Q. I'm sorry?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Why do you think it was  16 because you were a male?</p> <p>17 A. Because the whole time that  18 I worked for -- I will stay with Ideal  19 Merchandising, but it also applies to  20 when I was a vendor before, and it also  21 applies to when I was a vendor there  22 before and it also applies to when I was  23 a Lowe's employee there before, because  24 you don't -- I never ever accounted her</p>
<p>1 probably won't fess to it"?</p> <p>2 A. Because he's my -- my -- my  3 -- you see, when I talk to Keith, Keith  4 is a young guy trying to move up in the  5 Lowe's company ladder. He's moved up  6 progressively because of Yvette. I know  7 this because I talked to him.</p> <p>8 Whether he will admit to it  9 or not, that's on him, but he did witness  10 that.</p> <p>11 Q. Was he there when it  12 happened?</p> <p>13 A. Yes, sir.</p> <p>14 Q. You don't know whether he  15 would admit to it or not?</p> <p>16 A. Correct.</p> <p>17 Q. Okay. Are there any other  18 witnesses?</p> <p>19 A. No, sir.</p> <p>20 Q. Do you remember when that  21 happened?</p> <p>22 A. Like I would not be able to  23 give you any accurate date on any of  24 this, but all I can tell you is it was</p>	<p>215</p> <p>217</p> <p>1 chastising or demoralizing other females  2 as opposed to the males. I mean, she  3 would talk to us like -- like, uhm, like  4 one guy said it best, a quote from Mike  5 when I was Spectrum, that she talked to  6 me like I was an adopted stepchild, and  7 that's a quote from him, and, I mean, she  8 doesn't talk to me like I'm human. I  9 mean, she just -- just doesn't even  10 acknowledge me.</p> <p>11 Any things that she had said  12 to me since I have known her, or at least  13 that first couple of months I have known  14 her or thereafter, everything that came  15 out from her -- I'm not going to say it,  16 but everything that she said to me was  17 negative.</p> <p>18 Q. What do you mean "you were  19 not going to say it"?</p> <p>20 A. I was going to say anything  21 -- everything that come out of her mouth.</p> <p>22 Q. Was negative?</p> <p>23 A. I don't want to phrase it  24 like that, but everything that she said</p>